

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
First Regular Session  
2009

# **HOUSE BILL 2240**

## **AN ACT**

AMENDING TITLE 41, CHAPTER 6, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1021.03; PROVIDING FOR THE DELAYED REPEAL OF SECTION 41-1021.03, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT; RELATING TO STATE AGENCY RULE MAKING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 41, chapter 6, article 3, Arizona Revised Statutes,  
3 is amended by adding section 41-1021.03, to read:

4       41-1021.03. Moratorium on rule making relating to increased  
5 monetary or regulatory costs: exceptions

6       A. NOTWITHSTANDING ANY OTHER LAW, AN AGENCY SHALL NOT CONDUCT ANY RULE  
7 MAKING THAT WOULD IMPOSE INCREASED MONETARY OR REGULATORY COSTS ON OTHER  
8 STATE AGENCIES, POLITICAL SUBDIVISIONS OF THIS STATE, PERSONS OR INDIVIDUALS  
9 OR WOULD NOT REDUCE THE REGULATORY BURDEN ON THE PERSONS OR INDIVIDUALS SO  
10 REGULATED.

11       B. SUBSECTION A DOES NOT APPLY TO RULE MAKING FOR ANY OF THE  
12 FOLLOWING:

13       1. TO AVOID A VIOLATION OF A COURT ORDER OR FEDERAL LAW THAT WOULD  
14 RESULT IN SANCTIONS BY THE COURT OR FEDERAL GOVERNMENT TO AN AGENCY IN FISCAL  
15 YEAR 2008-2009 OR 2009-2010 FOR FAILURE TO CONDUCT THE RULE MAKING ACTION.

16       2. TO PREVENT AN IMMINENT THREAT TO THE PUBLIC HEALTH OR SAFETY. FOR  
17 THE PURPOSES OF THIS PARAGRAPH, "IMMINENT THREAT TO THE PUBLIC HEALTH OR  
18 SAFETY" MEANS THE EXISTENCE OF A CONDITION, CIRCUMSTANCE OR PRACTICE THAT  
19 WOULD CAUSE DEATH, SERIOUS ILLNESS OR SEVERE INJURY TO PERSONS OR ADVERSELY  
20 AFFECT THE ABILITY OF HEALTH CARE INSTITUTIONS TO PROVIDE MEDICAL CARE DURING  
21 FISCAL YEAR 2008-2009 OR 2009-2010.

22       3. TO FULFILL AN OBLIGATION RELATED TO FEES, RATES, FINES OR  
23 REGULATIONS THAT ARE EXPRESSLY DELINEATED IN THE CONSTITUTION.

24       C. FOR PURPOSES OF THIS SECTION, "INCREASED MONETARY OR REGULATORY  
25 COSTS" DO NOT INCLUDE COSTS ASSOCIATED WITH RULE MAKING CONDUCTED BY A  
26 SELF-SUPPORTING REGULATORY BOARD AS DEFINED IN SECTION 41-1092, PROVIDED THE  
27 SELF-SUPPORTING REGULATORY BOARD MAKES A SPECIFIC FINDING THAT THE MONETARY  
28 BENEFITS TO LICENSEES OR PERMITTEES OF THE BOARD FROM THE PROPOSED RULE  
29 MAKING SUBSTANTIALLY OUTWEIGH THE COSTS OF THE PROPOSED RULE MAKING TO  
30 LICENSEES OR PERMITTEES OF THE BOARD AND IS NECESSARY TO ALLOW THE  
31 SELF-SUPPORTING REGULATORY BOARD TO ADMINISTER EXISTING STATUTORY  
32 REQUIREMENTS OR ADMINISTRATIVE RULES. THE FINDING OF THE SELF-SUPPORTING  
33 REGULATORY BOARD SHALL INCLUDE THE SPECIFIC FINDING AND ALL EVIDENCE  
34 PRESENTED AT A PUBLIC HEARING SUPPORTING THE PROPOSED RULE MAKING.

35       Sec. 2. Delayed repeal

36       Section 41-1021.03, Arizona Revised Statutes, as added by this act, is  
37 repealed from and after June 30, 2010.

38       Sec. 3. Emergency

39       This act is an emergency measure that is necessary to preserve the  
40 public peace, health or safety and is operative immediately as provided by  
41 law.